

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs.

22-CR-6009-CJS-MJP

JOHN LOONEY,

Defendant.

**MOTION FOR EXTENTION OF TIME TO FILE OBJECTIONS TO
MAGISTRATE'S REPORT AND RECOMMENDATION**

COMES NOW defendant, by counsel, James. A. Napier, Esq., and moves the Court for its Order extending the time within which defendant may file objections to the Report and Recommendation dated September 29, 2023 by United States Magistrate Judge, Mark W. Pedersen.

In support thereof, defendant states that:

1. The Report and Recommendation of the magistrate was provided to counsel on September 29, 2023, making objections to the Report and Recommendation initially due on or about October 13, 2023.

2. Counsel has been meeting with my client regularly and doing legal research regarding the Report and Recommendations. On November 17, 2023 while meeting in my office Mr. Looney may have suffered a stroke, as he lost the use of his legs while I was assisting him to exit my building. Mr. Looney and I work collaboratively and we have not been able to meet since incident. I have provided AUSA McGuire with

a medical report regarding the incident. AUSA McGuire has no objection to my request to extend filing of Objections date until December 20, 2023. I fully expect this is final request for adjournment.

3. As this Court can see based on the length of the Report and Recommendation and the length of previous pleadings submitted to the magistrate, and the multiple argument dates, the legal issues involved here are rather complicated.

4. The Court did grant a third request for extension to file Objections to December 6, 2023.

WHEREFORE, defendant moves Court for its Second Order extending the time within which he may file his objections to the Report and Recommendation of the Magistrate until December 20, 2023.

/s/ James A. Napier, Esq.
James A. Napier, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system which sent notification of such filing to all counsel of record.

/s/ James A. Napier, Esq.
James A. Napier, Esq.
Counsel for Defendant, John Looney